

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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	:
KIM PATRICK, and AG, a minor, by and through	:
his Parent and Next Friend, KIM PATRICK,	:
	:
Plaintiffs,	: Civil Action No. 17-6846-PKC-RML
-against-	:
	: AFFIDAVIT OF CHRISTOPHER N.
SUCCESS ACADEMY CHARTER SCHOOLS,	: LAVIGNE IN SUPPORT OF SUCCESS
INC.; SUCCESS ACADEMY PROSPECT	: ACADEMY'S OPPOSITION TO
HEIGHTS; SYDNEY SOLOMON in her individual	: PLAINTIFFS' PRELIMINARY
and official capacity as Principal of Success	: INJUNCTION MOTION
Academy Prospect Heights; LAMAE DE JONGH,	:
in her individual and official capacity as Managing	:
Director of Schools, Success Academy Charter	:
Schools; SAMUEL COLE, in his individual and	:
official capacity as Board Chairperson, Success	:
Academy Charter Schools-NYC Board of Trustees;	:
and CATHERINE SHAINKER, in her individual	:
and official capacity as Board Member, Success	:
Academy Charter Schools-NYC Board of Trustees,	:
	:
Defendants.	:
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State of New York)
) ss:
County of New York)

Christopher N. LaVigne, being duly sworn, deposes and says:

1. I am Legal Counsel for Success Academy Charter Schools, Inc. I submit this Affidavit in support of the Defendants Success Academy Charter Schools, Inc., Success Academy Prospect Heights,¹ Sydney Solomon, LaMae de Jongh, Samuel Cole, and Catherine Shinker's Opposition to Plaintiffs' Motion for a Preliminary Injunction.

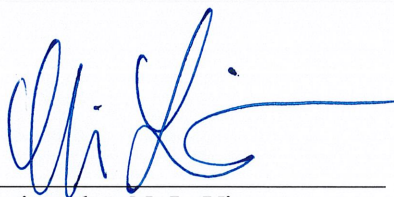
¹ Plaintiffs named "Success Academy Prospect Heights" as a Defendant, but the correct legal entity of the school known as Success Academy Charter School - Prospect Heights is Success Academy Charter Schools - NYC, which is the governing legal entity for Success Academy's 46 schools.

2. Attached as Exhibit A is a true and correct copy of a webpage from the New York City Department of Education's website, entitled *Procedural Guidance for Student Discipline in Charter Schools under the Individuals with Disabilities Education Act (IDEA)*.

3. Attached as Exhibit B is a true and correct copy of a September 29, 2017 letter from Plaintiffs to the Success Academy Charter Schools - NYC Board of Trustees appealing AG's removal to an IAES .

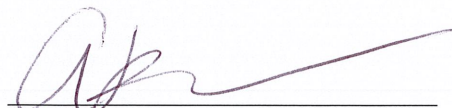
4. Attached as Exhibit C is a true and correct copy of an October 17, 2017 letter from Ms. Shainker to Ms. Bedard.

5. Attached as Exhibit D is a true and correct copy of a July 8, 2016 Letter from SUNY Charter Schools Institute. This copy has been redacted in accordance with Success Academy's FERPA obligations under 20 U.S.C. 1232g.



Christopher N. LaVigne
Counsel for the Success Defendants

Sworn to before me this 8th day
of December, 2017.



Notary Public

